

## Your Right To Representation

You can choose to have a representative help you when you do business with Social Security. We will work with your representative, just as we would with you.

**Your representative cannot charge or collect a fee from you without first getting written approval from the Social Security Administration, even if your claim is denied.** However, your representative may accept money in advance as long as he or she holds it in a trust or escrow account.

Both you and your representative are responsible for providing Social Security with accurate information. It is wrong to knowingly and willingly furnish false information. Doing so may result in criminal prosecution.

### What A Representative Can Do

Once appointed, your representative can act for you in most Social Security matters. For example, he or she can:

- get information from your Social Security file;
- help you get medical records or information to support your claim;
- come with you, or for you, to any interview, conference or hearing you have with us;
- request a reconsideration, hearing or Appeals Council review; and
- help you and your witnesses prepare for a hearing and question any witnesses.

Your representative also will receive a copy of the decision(s) we make on your claim(s).

### Choosing A Representative

You can choose an attorney or other qualified person to represent you. You also can have more than one representative.

Some organizations can help you find an attorney or give you free legal services if you qualify. Some attorneys don't charge unless

you receive benefits. Your Social Security office has a list of organizations that can help you find a representative.

You can appoint one or more **persons** in a firm, corporation or other organization as your representative(s), but you **may not** appoint the firm, corporation or organization itself. You also may not appoint a person who has been suspended or disqualified from representing others before the Social Security Administration or who may not, by law, act as a representative.

Once you choose a representative, you must tell us **in writing** as soon as possible. To do this, you can get a Form SSA-1696-U4, *Appointment of Representative*, from any Social Security office.

You must give the name of the person you are appointing and sign your name. If the person is **not** an attorney, he or she must, in writing, give his or her name; state that he or she accepts the appointment; and sign the form.

### What Your Representative May Charge

To charge you a fee for his or her services, your representative first must file either a fee agreement or a fee petition with us. Your representative **cannot** charge you more than the fee amount we approved. If either you or your representative disagree with the fee we approved, you or your representative can ask us to look at it again.

A representative who charges or collects a fee without our approval, or charges or collects too much, may be suspended or disqualified from representing anyone before the Social Security Administration. He or she also may face criminal prosecution.

### Filing A Fee Agreement

If you and your representative have a written fee agreement, your representative may ask

us to approve it any time before we decide your claim. Usually, we'll approve the agreement and tell you in writing how much your representative may charge as long as:

- you both signed the agreement;
- the fee you agreed on is no more than 25 percent of past-due benefits, or \$4,000, whichever is less; and
- your claim was approved and resulted in past-due benefits.

If we don't approve the fee agreement, we will tell you and your representative in writing that your representative must file a fee petition.

### *Filing A Fee Petition*

Your representative may give us a fee petition when he or she has finished working on your claim(s). This written request, accounting for the fee, describes in detail the amount of time spent on each service provided. Your representative must give you a copy of the fee petition and each attachment. If you disagree with the information shown, contact us within 20 days. We will consider the reasonable value of the services provided and tell you in writing the amount of the fee we approve.

### *How Much You Pay*

The amount of the fee we decide your representative may charge is the most you owe him or her, except for out-of-pocket expenses. It might be different from the amount you agreed to pay.

If an attorney represents you, we usually withhold 25 percent of your past-due benefits to pay toward the fee for you. Later, we pay the attorney's fee from this money and send you any money left over.

You must pay your representative directly:

- the rest you owe
  - if the amount of the fee is more than the amount of money we withheld and paid your attorney for you;
- all of the fee you owe
  - if we did not withhold past-due benefits; for example, when your representative is not an attorney or the benefits are Supplemental Security Income (SSI) or;
  - if we withheld, but later paid you the money because your attorney did not

either ask for approval until after 60 days of the date of your notice of award or tell us on time that he or she planned to ask for a fee.

Also, you must pay directly for out-of-pocket expenses your representative incurs or expects to incur, such as the cost of getting your doctor's or hospital records. Our approval is not needed for such expenses.

### *If Someone Else Pays Your Representative*

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Even when someone else will pay the fee for you (for example, an insurance company), we must approve the fee unless:

- it's a nonprofit organization or federal, state, county or city agency that will pay the fee and any expenses from government funds; or
- your representative gives us a written statement that you will not have to pay any fee or expenses.

### *If You Go Before A Federal Court*

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The court can allow a reasonable fee for your attorney. The fee usually will not exceed 25 percent of all past-due benefits which result from the court's decision. Your attorney cannot charge any additional fee for services before the court.

### *For More Information*

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If you have any questions about your right to representation, call our toll-free number, **1-800-772-1213**.

The Social Security Administration treats all calls confidentially—whether they're made to our toll-free number or to one of our local offices. We also want to ensure that you receive accurate and courteous service. That is why we have a second Social Security representative listen to some incoming and outgoing telephone calls.



**Social Security Administration**

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